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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SOLOMON COLEMAN, individually,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; CHERYL HOOTEN,
individually; JOSEPH LEPORE,
individually; BRIAN SANTAROSSA,
individually; DONALD SHANE,
individually; R. TENNANT, individually;
VICENTE RAMIREZ, individually; LISA
LUZAICH, individually,

Defendants.

Case Number: 2:20-cv-00739-JAD-BNW

**PROPOSED AMENDED DISCOVERY
PLAN AND SCHEDULING ORDER
SUBMITTED IN COMPLIANCE WITH
LR 26-3 AND FRCP 16(b)**

Pursuant to Federal Rule of Civil Procedure 16(b) and Local Rule 26-3, Defendants Las Vegas Metropolitan Police Department (“LVMPD”), Joseph Lepore, Brian Santarossa, Donald Shane, and Richard Tennant (collectively “LVMPD Defendants”), by and through their attorneys of record, Nick D. Crosby, Esq., with the law firm of Marquis Aurbach, hereby submit their Court Ordered Proposed Amended Discovery Plan and Scheduling Order for the Court’s approval.

On December 28, 2022, this Court Ordered the parties to prepare and file a Proposed Joint Amended Discovery Plan and Scheduling Order following the granting of Plaintiff’s Motion for Extension of Discovery Deadlines and Request to Reopen Deadline for Expert Disclosures (Third Request) (ECF No 59).

1 Additionally, the Court directed the parties to meet and confer to discuss remaining
 2 relevant discovery items. However, upon circulating the Proposed Joint Amended Discovery
 3 Plan and Scheduling Order to Plaintiff, Plaintiff refused to sign the Proposed Amended
 4 Discovery Plan and Scheduling Order (“Order”), without Defendants adding language to the
 5 Order reflecting disputed issues regarding remaining discovery items, to be later decided by
 6 this Court. Defendants believe that since Plaintiff’s additional requests have not been
 7 granted, it was improper to add the same to this Order. As such, Defendants submit this
 8 Proposed Amended Discovery Plan and Scheduling Order for the Court’s approval in lieu of
 9 the requested Proposed Joint Amended Discovery Plan and Scheduling Order.

10 **I. PROCEDURAL HISTORY**

- 11 1. On April 24, 2020, the Plaintiff filed his Complaint. (ECF No. 1).
- 12 2. On October 13, 2020, LVMPD Defendants filed their Motion to Dismiss
 13 Plaintiff’s Complaint. (ECF No. 10).
- 14 3. On November 18, 2020, this Court granted LVMPD Defendants’ Motion to
 15 Dismiss. (ECF No. 26).
- 16 4. On December 1, 2020, the Plaintiff filed a Motion to Reopen Case. (ECF No.
 17 28).
- 18 5. On June 9, 2021, this Court granted Plaintiff’s Motion to Reopen Case. (ECF
 19 No. 34).
- 20 6. On December 6, 2021, LVMPD Defendants filed their Answer to Plaintiff’s
 21 Complaint. (ECF No. 41).
- 22 7. On January 26, 2022, the parties filed their Stipulated Discovery Plan and
 23 Scheduling Order. (ECF No. 42).
- 24 8. On January 28, 2022, the Court entered the Stipulated Discovery Plan and
 25 Scheduling Order. (ECF No. 43).
- 26 9. On June 3, 2022, this Court entered the parties’ Stipulation and Order to
 27 Extend Discovery Deadlines (First Request). (ECF No. 46).

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10. On August 24, 2022, Plaintiff filed a Stipulation and Order to Extend Discovery deadlines (Second Request). (ECF No. 19).

11. On September 8, 2022, this Court granted Plaintiff's Stipulation and Order to Extend Discovery deadlines (Second Request). (ECF No. 54)

12. On November 18, 2022, Plaintiff filed a Motion for Extension of Discovery Deadlines and Request to Reopen Deadline for Expert Disclosures (Third Request). (ECF No. 55).

13. On December 28, 2022, this Court granted Plaintiff's Motion for Extension of Discovery Deadlines and Request to Reopen Deadline for Expert Disclosures (Third Request). (ECF No. 59).

II. DISCOVERY COMPLETED TO DATE

1. The parties participated in the FRCP 26 conference on January 12, 2022.

2. On March 16, 2022, LVMPD Defendants served their Initial Disclosure of Witnesses and Documents.

3. On April 28, 2022, LVMPD Defendants served written discovery on the Plaintiff.

4. On May 16, 2022, Plaintiff served his Initial Disclosures of Witnesses and Documents.

5. On May 27, 2022, Plaintiff responded to the LVMPD Defendants' written discovery.

6. On June 1, 2022, Plaintiff served written discovery on the LVMPD Defendants.

7. On July 5, 2022, LVMPD Defendants served their First Supplemental Disclosure of Witnesses and Documents.

8. On July 22, 2022, LVMPD Defendants responded to Plaintiff's written discovery.

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1 9. Also on July 22, 2022, LVMPD Defendants served their Second Supplemental
2 Disclosure of Witnesses and Documents.

3 10. On October 31, 2022, Plaintiff served additional written discovery on the
4 LVMPD Defendants.

5 11. On November 2, 2022, LVMPD Defendants served their Third Supplemental
6 Disclosure of Witnesses and Documents.

7 12. On November 9, 2022, Plaintiff served his Third Supplemental Disclosures
8 of Witnesses and Documents.

9 13. On November 14, 2022, LVMPD Defendants took Plaintiff's deposition.

10 14. On November 15, 2022, LVMPD Defendants provided supplemental responses
11 to Plaintiff's written discovery.

12 15. Also on November 15, 2022, LVMPD Defendants served their Fourth and Fifth
13 Supplemental Disclosure of Witnesses and Documents.

14 16. On December 22, 2022, LVMPD Defendants provided supplemental responses
15 to Plaintiff's written discovery.

16 **III. REMAINING DISCOVERY**

17 1. Plaintiff to take depositions of fact witnesses.

18 2. Plaintiff to file expert disclosures.

19 3. Defendants to file expert rebuttal disclosures.

20 4. Plaintiff to supplement written discovery.

21 5. Defendants to depose Plaintiff's expert.

22 **IV. EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND**
23 **SCHEDULING ORDER**

24 Pursuant to LR 26-3 and FRCP 16(b), the Court Ordered and the parties hereby
25 stipulate to a 120-day extension of all discovery deadlines, outlined by the following:

26 ///

27 ///

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V. PROPOSED SCHEDULE

Scheduled Event	Current Deadline (ECF No. 54)	Proposed Deadline
Expert Initial Disclosure	May 12, 2022	February 10, 2023
Rebuttal Expert Disclosures	June 13, 2022	March 10, 2023
Discovery Cut-Off	December 12, 2022	April 11, 2023
Final Date to file dispositive motions	January 12, 2023	May 11, 2023
Joint Pre-Trial Order	February 13, 2023	June 12, 2023

Dated this 11th day of January, 2023.

Dated this ____ day of January, 2023.

MARQUIS AURBACHBy: /s/ Nick Crosby

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By: *Plaintiff Refused to Sign*

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Plaintiff

ORDER**IT IS SO ORDERED****DATED:** 3:46 pm, January 12, 2023

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE